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EX PARTE & IN CAMERA

March 31, 2020

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

REQUEST TO BE FILED UNDER SEAL

**Re: United States v. Virgil Griffith
20 Cr. 15 (PKC)**

Dear Judge Castel:

We write concerning the Rule 17 subpoena that you caused to be issued on March 18, 2020 to Verizon, Attn: VSAT, 180 Washington Valley Road, Bedminster, New Jersey 07921, in response to our *ex parte* request. We have attempted to serve the subpoena on that entity as instructed on Verizon's web site and, although their web site still today indicates that subpoenas and court orders to Verizon should be addressed as above,¹ they have now informed us that the subpoena is "made out to the wrong legal entity." They stated that, due to Verizon's purchase of Yahoo! and the merger of AOL Inc. and Yahoo! Inc. together as of June 13, 2017, they require legal process to be addressed to:

Oath – Verizon Media
c/o Legal Compliance
22000 AOL Way
Dulles, VA 20166

When undersigned counsel for Mr. Griffith attempted to contact Oath via two different email addresses, however, counsel received a response from one of the email addresses, which stated that it did not accept process addressed to "Verizon Media" and instead informed counsel that the subpoena should be addressed to:

¹ See <https://www.verizon.com/support/residential/account/manage-account/security/security-assist-team>.

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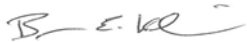
Oath Inc.
Custodian of Records
22000 AOL Way
Dulles, VA 20166

Counsel has requested clarification from Oath regarding which entity is the appropriate entity for service, but to date has not received a response to its inquiry.

We therefore respectfully ask you to sign the amended order (attached), and issue the revised subpoenas attached thereto, which are addressed to each of the Oath entities that have been identified. To avoid further logistical hurdles, we further request permission to share the Court order with Verizon, Oath – Verizon Media, Oath Inc., or any other third party necessary to effect compliance with the subpoena.

For all these reasons, as well as those set forth in Mr. Griffith's sealed, *ex parte* March 17 application, the defense respectfully requests that the Court grant this application. A proposed Order is enclosed as Attachment A. Moreover, because this letter and the accompanying documents reference information that would reveal defense strategy and therefore prejudice Mr. Griffith at this stage of the proceedings if disclosed to the Government or the public, we respectfully request that the Court receive this letter and the enclosed materials *ex parte*, *in camera*, and that they be filed under seal. *See* Attachment B.

Respectfully submitted,



Brian E. Klein
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Baker Marquart LLP

-and-

Sean S. Buckley
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Attorneys for Virgil Griffith

(Attachments)